



January 8, 2016

Honorable Charles R. Breyer  
United States District Judge  
Courtroom 6, 7th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: Application for Leadership by Larry S. McDevitt in In re Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation,  
3:15-MD-2672 CRB (JSC)

Dear Judge Breyer:

My name is Larry S. McDevitt, and I am the Senior Principal with The Van Winkle Law Firm in North Carolina and Managing Partner of our Charlotte Office. I am applying for appointment by the Court to the Plaintiff's Steering Committee. We instituted suit on behalf of vehicle owners, and I am willing to represent that class, as well as all other putative classes. My resumé is attached to this letter as requested in your Order of December 22, 2015.

You will consider fine attorneys from many firms that are better known and have more impressive client bases than Van Winkle. I respectfully suggest that there may be value in considering some of them who, like myself, are from more modest firms but may bring necessary perspectives to managing this litigation. In that connection, I have spent a substantial portion of my practice in the cause of pro bono and legal services-helping people, not chasing fees. That is why I helped start our local legal services program (Pisgah), then headed the ABA Standing Committee on Pro Bono and Public Service that oversees pro bono nationally, and was asked by John Levi, Chair of the Legal Services Corporation, to sit on its national Task Force on Pro Bono. If appointed, I will keep our primary focus on attending to the interests of the putative class and moving this case efficiently for the class, as well as the judicial system.

I have practiced law for 48 years and have extensive experience in class actions, including cases subject to MDL consolidation. For example, I served in leadership in the In re Cotton Yarn Antitrust, MDL 1622 in the Middle District of North Carolina, the Honorable James Beaty, Judge presiding. I also served in leadership in the In re Polyester Staple Antitrust, MDL 3:03CV1516, in the Western District of North Carolina, the Honorable Richard Voorhees, Judge presiding. I was appointed to interim leadership counsel in the In re Polyfoam antitrust case before it was transferred to the Northern District of Ohio. Along with co-counsel, I filed the first case in both that case and the In re Blue Cross antitrust case, and I serve as Co-chair of the Class Certification Committee in the Blue Cross case, MDL 2406. The Blue Cross MDL is coordinated in the Northern District of Alabama with the Honorable David Proctor, Judge

presiding over the case. In addition, I have been Lead Counsel in 23 jurisdictions in products liability cases involving tobacco.

I am a former Mayor of Asheville, North Carolina, which I mention because I was elected by Council members of the majority political party—to which I did not belong. As the lone representative of the minority party on the City Council, I was nonetheless able to lead it as we began the process of revitalizing Asheville into the exciting, alive, progressive City it is today. In other words, I know how to lead, gain consensus, and convince people of disparate views to work together. Those skills, in addition to broad litigation experience in class actions, will be needed by the Steering Committee in this case. I know what to do and how to do it.

I am told that I have a reputation of being able to lead, and work with, attorneys from around the nation in litigation matters, public service, and bar organizations. My career has been built upon working collegially and cooperatively with other attorneys, either as co-counsel or opposing counsel.

I served in various leadership roles in both the North Carolina and American Bar Associations, including a term as President of the NC Bar Association. My ABA tenure includes 11 years as North Carolina State Delegate to the House of Delegates, terms on the Standing Committee on Legal Aid and Indigent Defense, Chair of the Commission on Law and Aging, and more recently Chair of the Standing Committee on Pro Bono and Public Service following a term on the ABA Board of Governors.

My Firm and I are able to commit immediately to the Volkswagen case and the time it will require. We have approximately 40 attorneys with very capable partners, associates, paralegals, and legal assistants that work with me. We can devote the time and resources required for this litigation. Further, we have the resources to prosecute the litigation in a timely matter.

Numerous friends and colleagues of mine in the bar across the country have filed cases in the Volkswagen litigation. I have worked with many of them on other class action matters. I know that some of them have filed leadership applications in this case. I did not attempt to solicit the support of others for my application, and I trust my comments here will not be construed to disparage the abilities of the outstanding attorneys who can ably serve on the Steering Committee. However, I am confident that I can work with any attorneys the Court chooses to appoint—whether I know them or not—to assure that this case is handled in a sound and responsible way.

You asked for the names and contact numbers of the Judges before whom I have appeared. The names of some are as follows:

1. The Honorable James Beaty, 336-734-2540
2. The Honorable Richard L. Voorhees, 704-350-7440
3. The Honorable David Proctor, 205-278-1980
4. The Honorable David Sentelle, 202-216-7330

Thank you for your consideration.

Very truly yours,



Larry S. McDevitt

LSM/sgh  
Attachment